

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

02-*R*-1713

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF
PROGRESSIVE INSURANCE COMPANY AS
SUBROGEE OF WILLIAM SHELNUT IN THE
AMOUNT OF \$19,250.00 AGAINST THE CITY
OF ATLANTA**

WHEREAS, PROGRESSIVE INSURANCE COMPANY AS SUBROGEE OF WILLIAM SHELNUT, has filed a claim against the City of Atlanta seeking property damages; and

WHEREAS, the property damages to PROGRESSIVE INSURANCE COMPANY AS SUBROGEE OF WILLIAM SHELNUT, occurred when William Shelnut's vehicle fell into a sinkhole in the street that was caused by a ruptured sewer mainline; and

WHEREAS, the City of Atlanta was on notice of said nuisance and made an attempt, however unsuccessful, to abate said nuisance; and

WHEREAS, the claimant has asserted damages in the amount of \$19,250.00 and has agreed to accept this sum in full and complete satisfaction and settlement of its claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of PROGRESSIVE INSURANCE COMPANY AS SUBROGEE OF WILLIAM SHELNUT, be settled for the sum of \$19,250.00.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$19,250.00 be paid by the City of Atlanta to PROGRESSIVE INSURANCE COMPANY AS SUBROGEE OF WILLIAM SHELNUT, in satisfaction of any and all claims it may have stemming from property damages sustained on or about May 8, 2002 at 90 14th Street, NE and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 07, 2002
OCT 15, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0580

Date: September 20, 2002

Claimant /Victim WILLIAM SHELNUK
 BY: (Atty) (Ins. Co.) PROGRESSIVE INSURANCE
 Address: P. O. Box 89440, Cleveland, Ohio, 44101-6440
 Subrogation: Claim for Property damage \$ 19,250.00 Bodily Injury \$
 Date of Notice: 8/13/02 Method: Written, Proper X Improper
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
 Date of Occurrence 5/8/02 Place: 90th 14th Street, NE
 Department PUBLIC WORKS Division Street
 Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant's vehicle sustained damage when it fell into a sinkhole. An investigation determine that the sinkhole was caused by a rupture in the sewer mainline. The City was on notice of said mainline problem but failed to permanently correct it.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
 Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____
 Traffic citations issued: City Driver _____ Claimant Driver _____
 Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ X _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ X _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 19,250.00 Adverse Account Charges: 1A01 2J01 X 2P01 2H01
 Claims Manager: _____ Concur/date _____
 Committee Action: _____ Council Action _____

RCS# 4099
10/07/02
5:15 PM

Atlanta City Council

Regular Session

CONSENT I 0613;1695;1544;1562;1581;1666;1551
 1668; Except CDHR #6-#10
 RECON/READOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	Y Shook	NV Maddox	NV Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

CONSENT I

10/07/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1538	46. 02-R-1702
2. 02-O-1549	47. 02-R-1703
3. 02-O-1554	48. 02-R-1704
4. 02-O-1466	49. 02-R-1705
5. 02-O-1253	50. 02-R-1706
6. 02-O-1575	51. 02-R-1707
7. 02-O-1576	52. 02-R-1708
8. 02-O-1582	
9. 02-O-1447	
10. 02-O-1545	
11. 02-O-1261	
12. 02-O-1534	
13. 02-R-1662	
14. 02-R-1669	
15. 02-R-1709	
16. 02-R-1711	
17. 02-R-1712	
18. 02-R-1713	
19. 02-R-1633	
20. 02-R-1664	
21. 02-R-1667	
22. 02-R-1673	
23. 02-R-1469	
24. 02-R-1642	
25. 02-R-1644	
26. 02-R-1649	
27. 02-R-1714	
28. 02-R-1727	
29. 02-R-1650	
30. 02-R-1651	
31. 02-R-1652	
32. 02-R-1653	
33. 02-R-1654	
34. 02-R-1655	
35. 02-R-1656	
36. 02-R-1657	
37. 02-R-1658	
38. 02-R-1659	
39. 02-R-1660	
40. 02-R-1718	
41. 02-R-1719	
42. 02-R-1698	
43. 02-R-1699	
44. 02-R-1700	
45. 02-R-1701	

**ITEMS ADVERSE
ON CONSENT AGENDA**

53. 02-R-1675
54. 02-R-1676
55. 02-R-1677
56. 02-R-1678
57. 02-R-1679
58. 02-R-1680
59. 02-R-1681
60. 02-R-1682
61. 02-R-1683
62. 02-R-1684
63. 02-R-1685
64. 02-R-1686
65. 02-R-1687
66. 02-R-1688
67. 02-R-1689
68. 02-R-1690
69. 02-R-1691
70. 02-R-1692
71. 02-R-1693
72. 02-R-1694
73. 02-R-1696
74. 02-R-1697

Consent I Vote: 10Yeas; 0 Nays (See RCS #4099; Reconsidered See RCS #4043)

Items Removed from Consent: 02-R-1613; 02-R-1695; 02-O-1544; 02-O-1562; 02-O-1581; 02-R-1666; 02-O-1551; 02-R-1668; 02-O-1598; 02-O-1599; 02-O-1600; 02-O-1601; 02-O-1602

02-2-1713

(Do Not Write Above This Line)

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ADMINISTRATION COMMITTEE

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THE SETTLEMENT OF THE
CLAIM OF PROGRESSIVE
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SUBROGEE OF WILLIAM
SHELNUT IN THE AMOUNT OF
\$19,250.00 AGAINST THE CITY OF
ATLANTA

By: Rosalind Rubens Newell

Rosalind Rubens Newell

Deputy City Attorney

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee <u>PSUA</u>	Committee
Date <u>10/1/02</u>	Date
Chair <u>[Signature]</u>	Chair
Action: Fav. Adv. Hold (see rev. side) Other:	Action: Fav. Adv. Hold (see rev. side) Other:
Members <u>[Signature]</u> <u>[Signature]</u> <u>[Signature]</u>	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav. Adv. Hold (see rev. side) Other:	Action: Fav. Adv. Hold (see rev. side) Other:
Members ADOPTED BY	Members
<u>OCT 07 2002</u>	
COUNCIL	Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

[Signature]
OCT 07 2002
[Signature]

[Signature]
OCT 07 2002
[Signature]
MAYOR

MAYOR'S ACTION

[Signature]
OCT 15 2002
MAYOR